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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/942,350

08/29/2001

Steve L Cohen

Cohen 380

9613

7590  
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PO Box 574  
Springfield, NJ 07081

10/18/2007

EXAMINER

TRAN, QUOC DUC

ART UNIT

PAPER NUMBER

2614

MAIL DATE

DELIVERY MODE

10/18/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

# Notice of Abandonment

Application No.

09/942,350

Examiner

Quoc D. Tran

Applicant(s)

COHEN ET AL.

Art Unit


2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 14 February 2006.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☒ A reply was received on 20 March 2006 but it does not constitute a proper reply, or a bona fide attempt at a proper reply, ~~to the non-final rejection. See 37 CFR 1.85(e) and 1.111.~~ (See explanation in box 7 below).
  - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$ \_\_\_\_\_ is insufficient. A balance of \$ \_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$ \_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$ \_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

See Continuation Sheet

  
Quoc D. Tran  
Primary Examiner  
Art Unit: 2614

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

- Item 7 - Other reasons for holding abandonment: 1. Errors applicant is relying on outlined in paper filed 3/20/06 no longer apply. The broadening language that applicant took out has been put back into claim 17 in the last amendment filed on 2/26/03. In fact, now applicants claim 17 is narrowing claim 17 as opposed to broadening it. Claims 1 and 13 have been cancelled. Therefore, the errors alleged for these claims also no longer apply. Therefore, the applicant still needs a new declaration pointing out an error that is being corrected as examiner indicated in the final rejection of 2/14/06.
2. A Supplemental declaration is also needed to catch any remaining errors that were not covered by any previous declarations by stating "every error in the patent which was corrected in the present reissue application, and which is not covered by the prior oath or declarations submitted in this application, arose without any deceptive intention on the part of the applicant."
3. Inventor Steve L. Cohen's citizenship, residence, and post office address is never identified in any of the declarations.
4. The Application is abandoned in accordance with 37 CFR 1.135(b)..